

# **COLORADO SUBSTANCE ABUSE TREND AND RESPONSE TASK FORCE**

**Meeting November 1, 2013**

**10:00 am – 1:00 pm**

**Colorado Municipal League**

**1144 Sherman Street, Denver**

FINAL

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**Chair** – Attorney General John Suthers

## **Vice –Chairs:**

- *Treatment* – Marc Condojani, Director, Community Treatment & Recovery Programs, Office of Behavioral Health, Colorado Dept. of Human Services
- *Prevention* – José Esquibel, Director, Interagency Prevention Systems for Children and Youth, Office of Children, Youth and Families, Colorado Dept. of Human Services
- *Law Enforcement* – Lori Moriarty, Retired Commander, Thornton Police Department, North Metro Drug Task Force; Vice President, National Alliance for Drug Endangered Children (National DEC)

**Attendees:** John Suthers, José Esquibel, Marc Condojani, Lori Moriarty, Jade Woodward, Dan Rubinstein, Wendy Buxton-Andrade, Julia Roguski, Kathryn Wells, Lisa Noble, Kelly Perez, Elizabeth Hickman, Melissa Gallardo, Michael F. Root, Cliff Riedel, Colleen Brisnehan, Shannon Breitzman, and Terri Connell.

**Guests:** Jim Gerhardt, Judith Miller, Jennifer Neville, Lorendia Schmidt, Marilee McWilliam, Kevin Wong, Gina Brummett, Brie Reimann, Kent MacLennan, Helen Kaupang, Laurie Lovedale

## **Introductions:**

Attorney General Suthers called the meeting to order at 10:00 a.m.

**Review and Approval of Minutes:** Minutes from August 23, 2013, were approved by motion as submitted.

## **Announcements from Task Force Members:**

*Helen Kaupang* – The latest National Prescription Drug Take Back Day held on October 26, 2013 netted 18,517 pounds of prescription drugs, the second highest total for Colorado to date. Considering that bags were used for collection instead of heavier boxes, this may actually be the highest amount collected. The total for all of Colorado's collections since 2010 is 104,645 pounds, or about 50 tons.

This is NOT the last DEA sponsored prescription drug take back event, as was reported on some news stations. The take back effort has spread further into the grassroots level of citizens and communities. Thanks to all of the Task Force members for helping to spread the word. Mr. Suthers stated that he wants to move to more permanent drop off sites at law enforcement agencies.

*John Suthers* – In response to the growing problem of “Spice” products (synthetic cannabinoids) marketed and available to minors and the recent hospitalizations and deaths of users due to the unknown content, the Attorney General's Office is pursuing Spice retailers with civil suits based on deceptive labeling as well as criminal actions. Three suits have been

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filed so far seeking hundreds of thousands of dollars in fines. Also, there is an emerging trend of heroin traffic seen by his office due to disruption in the supply of prescription opioids.

*Laurie Lovedale* – A Statewide Discussion on Prescription Drug Abuse Among Youth: Denver Town Hall is being held November 20<sup>th</sup> at the Anschutz Medical Campus and being live-streamed to seven sites around the state including rural areas. This event is co-sponsored by the Community Anti-Drug Coalitions of America in Collaboration with the Office of the Governor and the Prescription Drug Abuse Prevention Program, the town hall will address targeting messaging for youth, including warning signs and symptoms of drug abuse. Please let people you know who work with youth, such as school personnel and counselors, know about the town hall. More information is available on [www.peerassistanceservices.org](http://www.peerassistanceservices.org).

*Kent MacLennan*— The Colorado Meth Project is launching its rebranding to Rise Above Colorado in January to reflect a broadening of its focus beyond the prevention of methamphetamine use to address other drug use trends, such as prescription drug abuse and marijuana use by teens. The new focus is part of a partnership with Drugfree.org (Partnership for a Drug-Free America) and a memorandum of understanding is in place with Colorado DEC to address community outreach efforts.

### **Legislative Updates:**

*John Suthers* – David Blake, legislative deputy in the Attorney General’s Office, has reported that there will be bills introduced to clean up the regulatory scheme for retail marijuana which will be available to the public in January. The state statute regarding “Spice” is believed to be adequate for now, but it depends on who you ask. The Prescription Drug Monitoring Program (PDMP) may have more legislation either in the upcoming session or in the future.

*Kelly Perez* – Final approval is expected from the Governor’s Office today on a strengthening household drug take back legislation. There will likely be PDMP regulations from the Department of Regulatory Agencies (DORA) introduced, which has broad local support, but other input will be sought.

### **Definition of Drug Endangered Child:**

*Marilee McWilliams, Arapahoe County Attorney Office*

*Christine Agosta, Denver District Attorney’s Office/DEC*

*Jim Gerhardt, Colorado Drug Investigators Association*

Vice Chair Lori Moriarty reported that the DEC Definition Ad Hoc Committee (a list of participants is attached) moved quickly since the last SATF meeting in an effort to put a definition in the SATF annual report to be submitted at the end of the year. (The Task Force was charged with creating a definition of a “drug endangered child” with respect to child abuse or neglect in SB 13-278.) With this definition provided, the legislature can take additional steps, hopefully incorporating and aided by the definition. Three meetings were

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held of the Ad Hoc Committee and an open invitation was given for any interested participant. There was a good mix of views represented. The committee decided to draft definitions both for Title 19, the Children's Code, and for Title 18 in the Criminal Code of the Colorado Revised Statutes.

Merilee McWilliams presented the Definition for Title 19. The committee came to a quick consensus on broadening the definition to include marijuana and alcohol but decided not to specifically highlight any one drug to increase support. Opinions from all those present at the committee meetings were heard and considered, and input was sought from human services professionals. This provides a level playing field for all substances but provides for easier adjudication. The following definition and a fact sheet were produced by the committee:

19-1-103 (VI) Any case involving a drug-endangered child as defined in subsection (44.7) of this section.

(44.7)(a) Drug-Endangered Child means:

(I) A situation in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance, as defined in section 18-18-102(5) C.R.S., is manufactured, distributed, cultivated, produced, possessed, or used, or attempted to be manufactured, distributed, cultivated, produced, possessed, or used when such activity threatens the health or welfare of a child. The unrestricted access to the controlled substance, or legal substances, by a child may establish endangerment and endangerment may also be established by other circumstances when a child's health or welfare is threatened by the drug activity or impairment of the person responsible for care of the child as defined in 19-1-103(94);

Jim Gerhardt presented the proposed definition for Title 18 dealing with child abuse, which is still being drafted. The definition will give law enforcement a clearer definition for charging. Sen. Andy Kerr has committed to working with them. There is a presence to run both definitions as in a single bill, but they may need to be run separately and try to have them in committee concurrently.

Task Force members contributed that a common definition will help with bond setting and parole, human services' responses, and hold a bigger impact for drug dealers who have their families present when carrying on legal and illegal drug activity.

Christine Agosta addressed the victim component to drug dealing crimes. Only one other state has provided a definition so far and other states are looking to Colorado for guidance. Benefits have been seen such as an increase in information given by child services organizations, schools, and law enforcement leading to more effective services. Agencies in rural communities such as probation and human services are working together and pooling their information and resources. Benefit will be gained by having a definition in the statute books for parolees, the parole board, and defense attorneys.

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Chairman Suthers called for a show of approval of the definitions given to add to the SATF annual report and they were unanimously approved, with abstentions from state government employees present.

## **Substance Exposed Newborns Subcommittee**

*Jade Woodard, Colorado Alliance for Drug Endangered Children*

*Kathryn Wells, MD, Denver Health*

Jade Woodard presented the results from eight regional convenings held around the state. The meetings convened local medical, health care, welfare, and law enforcement professionals to share information and expertise regarding the effects of parental substance use and abuse on mothers, infants, children, and families, and to identify action steps to address the issues of substance exposed newborns. Local agencies were able to share what resources they provide and focus on community partnerships. Action plans were identified.

Local providers want help establishing standardized policies and protocols as well as leadership and connection at the state level. Other needs include uniform drug testing guidelines and the need to connect with hospitals and doctors to encourage widespread testing.

A letter of recommendation from the SATF signed by the Attorney General would be helpful. The SEN Committee was asked to prepare a letter to bring to the next SATF meeting.

Additional convenings would cost \$3,000-5,000 per convening, but the money would be better spent in follow up. It is important to begin to create some materials and toolkits as a starting point. Webinars may be a way to reach more people, but there is value in the face to face interaction. Colorado DEC will try to keep the momentum going by developing initial steps communities can take such as how to put together a Memorandum of Understanding between different health and counseling providers. Outreach is key component in the SATF mission.

## *Fetal Alcohol Spectrum*

Eileen Bisgard of the Fetal Alcohol Spectrum Disorders Commission presented on fetal alcohol studies including the lifetime costs, identification of children impacted and the benefit in modifying probation requirements and parental interventions. Children and youth with FASD are in the juvenile justice system, but need to be served differently. FASD youth are more prone to being influenced negatively by peers in the juvenile justice system. FASD youth are late maturers, often maturing in the 30s.

Over the course of the past six years, Adams County in the 17<sup>th</sup> Judicial District has conducted regular screenings/assessments of juveniles and found that 16% of these individuals had cognitive deficits and mothers who acknowledged alcohol use during

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pregnancy. Twenty of these youth with FASD received services and seventeen of them had no further arrests. The prognosis is good for FASD juvenile if their condition is assessed and appropriate services received.

The FASD Commission is advocating for legislation that an FASD diagnosis is a mitigating factor within judicial settings. FASD assessment should become part of child welfare intakes, probation intake, and juvenile assessment center. Also, the Commission is advocating for removing liability for alcohol servers refusing to serve pregnant women, more point-of-sale warnings, and more education campaigns

## **Emerging Trends: Heroin**

*Jim Gerhardt, Colorado Drug Investigators Association*

Jim Gerhardt reported on a growing trend in heroin use in Colorado. The Denver Post had a feature article following a user and Rocky Mountain HIDTA also showed increased use in their report.

Heroin use in Colorado is on a rapid rise. In 2013, more heroin was seized by law enforcement than in several years combined prior to 2013. The use of heroin is increasing, in particular, use by youth in various communities across Colorado. The average age of first use of heroin in Colorado has dropped from age 24.5 in 2008 to 21.65 in 2012.

Although heroin used to be used as an alternative to morphine, now it is used by prescription drug abusers when they can't afford or obtain prescription drugs, and it is now cheaper than cocaine and meth. Users are also crushing, heating and smoking Oxycontin.

As of November 1, 2013, the North Metro Drug Task Force made twenty-one arrests for heroin and seized twenty-one pounds of heroin. By comparison, during the same period one pound and cocaine and three pounds of methamphetamine were seized.

There is a pattern of increase presence of heroin in Utah, Montana, Wyoming and Colorado. In 2013, the Rocky Mountain High Intensity Drug Trafficking Area Threat Assessment and Strategy identified heroin as a notable threat to the Rocky Mountain region.

Heroin is being offered at a lower price than black market prescription drugs.

Many SATF members reported seeing increased use of heroin. It was requested that it be addressed at the next Task Force meeting.

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## **Colorado Plan to Reduce Prescription Drug Abuse**

*Kelly Pérez, Policy Advisor, Office of the Governor*

*Dr. Robert Valuck, University of Colorado Skaggs School of Pharmacy*

Kelly Perez and Rob Valuck distributed and discussed a chart of the Colorado Consortium for Prescription Drug Abuse Prevention, which they requested become a permanent part of and be housed within the SATF as the official prescription drug abuse prevention committee. The Consortium involves over 100 people from a cross-section of disciplines and agencies. SATF members are invited to participate in Consortium workgroups. SATF members Val Kalnins, Stan Paprocki, Shannon Brietzman, and José Esquibel are already serving in leadership capacities. The Consortium has a strategic plan for one year.

The current Colorado Prescription Drug Abuse prevention Task Force would maintain its 501(c)(3) designation and will officially be doing business as the Colorado Consortium for Prescription Drug Abuse Prevention.

A motion was put forth to official designate the Colorado Consortium for Prescription Drug Abuse Prevention as a committee of the SATF to address prescription drug abuse trends and responses. By unanimous vote the Consortium was made a continuing committee of the Substance Abuse Trend and Response Task Force.

## **Marijuana Legalization in Colorado: The Impact**

*Tom Gorman, Director, Rocky Mountain HIDTA*

Tom Gorman presented the preliminary report on the impact of legalization of marijuana in Colorado. He stated that every legalization attempt has been turned around, including Switzerland and the Netherlands.

A PDF version of [The Legalization of Marijuana in Colorado: The Impact \(2013\)](http://www.rmhidta.org) is available at [www.rmhidta.org](http://www.rmhidta.org) (click on the 'Reports' tab)

- In 2011, 7.8 percent of Colorado's high school seniors reported using marijuana 40 or more times per month, compared to a rate of 6.6 percent nationally. Another 2.9 percent of Colorado high school seniors reported using marijuana between 20 and 39 times a month.
- For the academic years ending in 2010, 2011, and 2012, drug-related expulsions/suspensions increased to an average of 5,217, a 37 percent increase.
- From 2006 to 2011, traffic fatalities decreased in Colorado 16 percent, but fatalities involving drivers testing positive for marijuana increased 114 percent.
- From 2005 through 2008 there was an average of 741 visits per year to the emergency room in Colorado for marijuana-related incidents involving youth. That number increased to 800 visits per year between 2009 and 2011.

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- From 2005 to 2008, compared to 2009 to 2012, interdiction seizures involving Colorado marijuana quadrupled from an average per year of 52 to 242. During the same period, the average number of pounds of Colorado marijuana seized per year increased 77 percent from an average of 2,220 to 3,937 pounds. A total of 7,008 pounds was seized in 2012.

## *Comments:*

SATF members stated other consequences, and Colorado DEC receives continuous questions from child welfare providers about marijuana access by children.

The Governor's Office has developed an education campaign with regard to prevention of underage marijuana use. There was an extensive discussion of what survey data is available regarding underage use of marijuana, including the Colorado Healthy Kids Survey, and data from the U.S. Office of Drug Control Policy, and Drugfree.org. The U.S. Substance Abuse and Mental Health Administration also has data, and some metro area counties conduct their own survey using the Colorado Healthy Kids Survey. Other states are looking to Colorado for data and data collection is critical. Aggregate data from human service providers would be helpful and should not interfere with HIPAA restrictions.

## **2014 Meeting Dates:**

Proposed meeting dates in 2014 are February 7, May 2, August 1, and November 7.

**The meeting adjourned at 1:15 p.m.**

## **Next Meeting:**

Friday, February 7, 2014, 10:00 a.m. - 1:00 p.m.

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